



## Bolivia

### Country Reports on Human Rights Practices - [2002](#)

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A constitutional, multiparty democracy with an elected president and bicameral legislature, Bolivia has separate executive, legislative, and judicial branches of government, with an attorney general independent of all three. President Gonzalo Sanchez de Lozada of the Nationalist Revolutionary Movement (MNR) took office on August 6 after he was elected by a joint session of the Bolivian Congress following the June 30 national election, in which the MNR won a plurality of the vote. The governing coalition controlled both houses of the legislature. Coalition members held the top leadership positions in both chambers. The executive and legislative branches suffered from corruption and inefficiency. The judiciary, while generally independent, also suffered from corruption and inefficiency.

The National Police have primary responsibility for internal security, but military forces can be called upon for help in critical situations, and this occurred during the year. The Judicial Technical Police (PTJ) conducts investigations for common crimes (cases that do not involve narcotics). The police provided security for coca eradication work crews in the Chapare region, a tropical area where illegal coca is grown. The Special Counternarcotics Force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. The Expeditionary Task Force (FEC), a military force composed of conscripts who had completed their obligatory service and commanded by active duty military officers, was disbanded in July. Civilian authorities generally maintained effective control over the security forces; however, at least one member of these forces was convicted of human rights abuses.

The country has a market-oriented economy. There is extensive poverty, and 58.6 percent of the population of 8.3 million lived below the poverty line. Many citizens lacked access to such basic services as potable water, sewage, electricity, and primary health care. The country is rich in minerals and hydrocarbons; however, most workers were engaged in traditional agriculture, and many citizens were barely linked to the cash economy. The Government remained heavily dependent on foreign assistance to finance development projects.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Legal and institutional deficiencies prevented the full protection of citizens' rights. Security forces killed five protesters and injured dozens of others in violent demonstrations during the year. Five members of the security forces were killed and dozens of others injured, allegedly by militant cocaleros (illegal coca growers). There were unconfirmed allegations of torture by the police and security forces. There were credible reports of abuses by police, including use of excessive force, petty theft, extortion, and improper arrests. Investigations of alleged official abuses moved slowly. Prison conditions were harsh, and violence in prisons was a problem. At times police arbitrarily arrested and detained persons. Prolonged detention due to antiquated procedures, inefficiency, and corruption in the judicial system remained a serious problem, although this began to change in 2001 with the implementation of the new Code of Criminal Procedures (CCP). The Government enacted a new Public Ministry Law to adapt the prosecutorial function of the judicial system to the requirements of the CCP. There were reports that the Government infringing on citizens' property rights. Other problems included domestic violence and discrimination against women, abuse of children, discrimination against and abuse of indigenous people, discrimination against Afro-Bolivians, child labor, inhuman working conditions in the mining industry, and trafficking in persons. Bolivia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1. Respect for the Integrity of the Person, Including Freedom From:

## a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings committed by government agents; however, security forces allegedly killed five protesters during violent demonstrations. Most deaths and injuries occurred in or near the Chapare where cocaleros often violently opposed the security forces' attempts to enforce the law and reduce the illegal coca crop that is used mainly to manufacture cocaine. Some human rights groups blamed the forced eradication for the violence, and cocaleros demanded its suspension, often by blocking a strategic highway used to transport legal crops to market.

On January 15, violent protests erupted in the town of Sacaba, Cochabamba, as police responded to cocalero protests against a decree banning the transport and sale of illegal coca leaf from the Chapare. Sacaba has a legal market for coca from the Yungas, and the market's closure was not the intended object of police actions. However, thousands of demonstrators entered the offices of the General Coca Directorate (DIGECO) and the main market, setting fire to 25 vehicles and damaging other property. Police responded with tear gas, rubber bullets, and live ammunition. On January 16, violence escalated, and a number of injuries were reported on both sides. Demonstrators Fidel Montano Espinoza and Fortunato Markani Limachi were killed by gunfire, but it was not clear who fired the shots. On January 17, cocaleros again entered the coca market, and violent clashes ensued. The next day, four members of the security forces were found dead. Police arrested over 70 cocalero leaders in an attempt to quell the disturbances; all were released shortly afterwards, but some complained of mistreatment by police under the command of Colonel Eduardo Wayar. At year's end, several investigations were underway to determine responsibility in the various incidents.

On January 22, in Cochabamba, 67-year-old Filomena Soliz Terceros was allegedly struck on the head by a tear gas canister fired by police during a violent demonstration. Soliz apparently fled into the market during the confusion, where she was struck by a projectile and rendered unconscious. She was evacuated to Viedma hospital where she died on January 27. Authorities investigated the case and concluded that her death was accidental.

On January 29, in Sinahota, Chapare, FEC soldiers led by army Colonel Aurelio Burgos Blacutt confronted a group of cocalero demonstrators attempting to block the strategic Cochabamba-Santa Cruz highway. According to reports, the FEC soldiers tried to disperse the crowd by firing shots into the air. Other accounts state that the group had just completed an uneventful march and were resting and chewing coca leaves when the soldiers fired into the crowd and attacked them without warning. According to some witnesses, Burgos aimed and fired his sidearm directly at Marcos Ortiz Llanos, who died shortly after being evacuated to Villa Tunari hospital. The witnesses also claimed that Burgos beat them as they tried to render assistance to the stricken Ortiz. The military investigated the shooting and exonerated Burgos, concluding that the officer found Ortiz already wounded and only gestured at him with his pistol while giving orders. The military reported testing Burgos' weapon and determined that it had not been recently fired, although it was not clear whether ballistics tests were conducted. The Attorney General's office opened a parallel investigation into the case but concluded that there was insufficient evidence to bring charges against Colonel Burgos.

On February 5, in Sinahota, Roberto Vargas Villareal died of cardiac arrest following his participation in a peaceful demonstration. According to his family, Vargas was exposed to large quantities of tear gas the previous day in Cochabamba during violent demonstrations. Some individuals charged that the exposure to tear gas caused Vargas' death; however, no medical examination corroborated their contention.

On February 7, Segindina Ichuta Mamani was struck on the head by a rock as she traveled in an open truck along the Cochabamba to Oruro highway. She died shortly afterwards from the injury in Oruro's General Hospital. Although it was not established who threw the rock, some individuals blamed Ichuta's death on the violence surrounding the earlier police crackdown in Sacaba.

On October 6, near Ichoa Alto in the Chapare, a group of approximately 300 cocaleros armed with stones and dynamite sticks surrounded and harassed a Joint Eradication Task Force (FTC) group engaged in coca plant eradication. The FTC security unit fired shots, and cocalero Gabino Toledo was killed, and two others, Erasmo Aguirre Aguirre and Diogenes Melgarejo Candia, were wounded. Cocaleros reportedly did not allow officials access to Toledo's body for examination. The cocaleros later pulled a nearby UMOPAR police officer from his car, beat and then released him, and burned the vehicle. An investigation determined that the police acted in self-defense; no one was charged in the beating of the UMOPAR police officer.

There were several deaths due to violence in the prisons during the year (see Section 1.c.).

In September approximately 1 year after the shooting death of Ramon Perez, policeman Macarlo Wilfredo Beltran

was tried, convicted of "negligent and imprudent" homicide, and sentenced. Perez was killed when security forces fired shots at a group of protesters attempting to occupy a camp for coca eradication workers near Loma Alta in the Chapare. The judge who convicted Beltran suspended his 3-year jail sentence under light conditions and restrictions.

In December 2001, FEC soldier Juan Eladio Bora shot and killed Casimiro Huanca Coloque, a leader in the Chimore Coca Growers Federation, during a confrontation between the FEC and cocalero protesters seeking to block the Cochabamba-Santa Cruz highway. A second protester, Fructuoso Herbas, was shot in the shin, resulting in the amputation of his leg. A military court determined that security forces acted in self-defense, and it did not charge Eladio Bora. However, the court sanctioned his commanding officer, Lieutenant Heriberto Ramos Salazar, with a 72-hour house arrest for failure to maintain discipline. A separate civilian investigation by the Public Ministry similarly concluded that there was insufficient evidence to charge Eladio Bora.

In the case of Richard Cordoba, who died in February 2001 as a result of asphyxiation through hanging while in police custody in Cochabamba, the PTJ investigated, and the authorities charged at least five police officers in the death. The trial was in its final phase at year's end, and a verdict was imminent.

There was no progress in the November 2001 killing of three protesters (Maximo Rojas, Abel Orozco, and Claudio Quiroga Herrera) and injury of more than 13 others in violent clashes with security forces near Senda Seis in the Chapare. According to the Government, a crowd of demonstrators formed around security forces; the security forces first fired warning shots and then, following training doctrine, fired at the feet of the protesters. The Government theorized that several bullets may have ricocheted and struck the demonstrators, causing the deaths and injuries. Human rights organizations disputed the Government's version of events, but public prosecutors concluded there was insufficient evidence to charge any members of the security forces, and no further action appeared likely.

In October 2001, Nilda Escobar Aguilar was killed near Los Amigos, Central Isarzama in the Chapare, when she was struck in the head by a tear gas canister during a clash between demonstrators and security forces. The Attorney General's office continued to investigate his case after receiving new information.

In connection with the November 2001 deaths of 7 persons and injuries to 20 others in clashes between landless peasants and small landowners in Pananti near Yacuiba, the authorities arrested nine campesinos and eight landowners. In November a court in Tarija convicted the landowner defendants of "brawls and fighting," and the judge suspended their 3-year sentences. A separate trial was scheduled for the campesino defendants under the new oral arguments trial system. Dissatisfied with the trial results and the Attorney General's investigation, the NGO Permanent Assembly for Human Rights in Bolivia (APDHB) referred the case to the Inter-American Commission on Human Rights.

In December 2001, security forces and squatters clashed near Yapacani, a town near the Chapare, reportedly resulting in injuries to a number of police and squatters, and the gunshot death of one civilian, Jose Luis Velazquez. Local police reportedly said that they were attacked while attempting to lift a blockade, but a relative said Velazquez was not involved in the protests. There were no further developments in the case, and none appears likely.

The military justice system closed the April 2000 case against Captain Robinson Iriarte Lafuente, who was videotaped in civilian clothes kneeling alongside troops and firing a rifle during the April 2000 disturbances in Cochabamba.

There was no progress in the case of Miguel Angel Rivero Siles, who died in 1999 from severe burns suffered in a solitary confinement cell at San Sebastian prison in Cochabamba. Charges against police at the prison remained pending at year's end.

The 1999 case of Carlos Freddy Cano Lopez, who died of burns after his arrest, continued to work through the court under the old trial system. Cano's widow continued to press charges against policeman Carlos Balderrama and others implicated in the case. At year's end, the Attorney General's office reported that the trial was in its final stage.

There was no progress in the 1998 case of five civilian deaths in the Chapare and further progress appeared unlikely.

There was no progress in the 1996 cases against officers accused of responsibility for violence in countering a

protest that resulted in civilian deaths in Amayapampa areas of Potosi Department, and none appeared likely. In December the Attorney General closed cases against then-President Gonzalo Sanchez de Lozada and other senior officials for their alleged involvement in the cases.

The Government's delay in completing effective investigations and identifying and punishing those responsible for either civilian or security force deaths resulted in a perception of impunity. However, the Congressional Human Rights Committee, the Ombudsman's office, the Ministry of Justice and Human Rights, and NGOs continued to press the Government to expedite action in the cases.

There were reports of killings of government security forces by nongovernmental actors. On January 17, during violent confrontations in Sacaba, 4 members of the security forces were killed and approximately 60 more were injured in the days after the demonstrations. Army conscripts Waldo Cartagena and Humberto Pinaya died from gunshot wounds fired by snipers, and policeman Antonio Gutierrez and Army Second Lieutenant Marcelo Trujillo Aranda died of strangulation and trauma to the head. Their bodies showed signs of torture and appeared to have been severely beaten by rocks and dragged approximately 2 miles to where they were killed. The Government believed that illegal coca growers were responsible for the four deaths, and investigations continued at year's end.

On October 4, in Majo, south of Chimore, Marine conscript and FTC member Robin Huanacoma was critically wounded when he triggered a buried explosive booby trap while eradicating illegal coca plants. Huanacoma was evacuated to a hospital in Santa Cruz where he died a few hours later. Authorities suspected militant cocaleros of planting the device and confirmed that some cocaleros received special training on the handling of firearms and the fabrication of homemade mines from individuals opposed to eradication. The case was under investigation at year's end, but it appeared unlikely that those responsible would be identified.

There was no progress in the investigation of the 2000 killings of four security officials and the spouse of one security official who disappeared in the Chapare during violent disturbances and were later found tortured and killed. Another security official was still missing and presumed dead. The Government believes that illegal coca growers were responsible for the deaths of the security officials, but it appeared unlikely that evidence would be found to prosecute a case.

On November 17, at Sindicato Los Yukis, near Yapacani, approximately 30 armed and hooded men invaded a building of the Federation of Colonizers and shot and killed campesino Luciano Jaldin Fermin. A week later, the bodies of three other men (Ricardo Rojas Caravallo, Martin Condori, and Wilber Nunez Flores) were found nearby in the jungle; autopsies revealed signs of torture and strangulation. A local landowner was suspected of hiring the gunmen who killed Jaldin; however, responsibility for the killings of the other individuals remained unclear, and the Attorney General's office was investigating the cases at year's end.

There were several reported cases of alleged criminals lynched or burned by civilians, sometimes resulting in death, for their alleged crimes.

#### b. Disappearance

There were no reports of politically motivated disappearances.

On December 10, the President submitted a bill to Congress that would make disappearance a crime punishable by up to 30 years in prison.

The case of Juan Carlos Trujillo Oroza, who disappeared during the 1971-78 de facto regime of President Hugo Banzer, was reopened pursuant to a November 2001 ruling of the Constitutional Tribunal, but further developments appeared unlikely.

The death in mid-year of Hugo Banzer ended any further action on the December 2001 international arrest warrant that an Argentine judge had filed for the former president to face legal proceedings in Argentina for his alleged role in "Plan Condor" in the mid-1970s.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the Government generally respected these provisions; however, there were a number of allegations of torture, beatings, and abuse by members of the security forces.

Security forces clashed with demonstrators on several occasions during the year, resulting in the deaths of five demonstrators and dozens of injuries (see Sections 1.a. and 2.b.). In January dozens of protesters were injured during clashes between violent demonstrators and government security forces in Sacaba. At least some of the injuries were attributed to rubber bullets used by the security forces. Investigations into these incidents were pending at year's end.

There were allegations that security officials beat cocalero leaders whom they detained in Sacaba during the January disturbances and that they beat other civilians to try to learn the names of those responsible for security officers' deaths. At year's end, the Public Ministry continued investigating the allegations to determine the security units and commanders involved.

There also were credible allegations that military commissioned and noncommissioned officers beat and otherwise mistreated military conscripts. For example, Colonel Rory Barrientos, the Commander of the 2nd Ecological Battalion, allegedly beat conscripts in four separate incidents but reportedly was only lightly sanctioned by the military. In October the Permanent Assembly for Human Rights (APDH) sought charges against Barrientos in a civil court, and the Human Rights Ombudsman's office began an investigation into his actions. Barrientos was suspended from duty and received unspecified sanctions from a military court.

On November 10, in Cochabamba, army Major Luis Fernando Garcia, in an apparently inebriated state, shot and wounded Jose Luis Alvarez, whom Garcia may have misidentified for an assailant who had accosted him earlier. Police arrested Garcia, who remained in jail at year's end awaiting trial.

Pursuant to agreements with the Human Rights Ombudsman's office and the Ministry of Justice and Human Rights, the Armed Forces between 1999-2002 provided human rights training for 1,110 instructors and approximately 30,000 recruits.

Several police officers were fired and charged for off-duty crimes, and a number were dismissed for corruption. However, the police generally did not investigate their own colleagues, and prosecutors were reluctant to prosecute security officials for alleged offenses committed while on duty. The FELCN internal affairs unit investigates allegations against FELCN officers of malfeasance, wrongdoing, and human rights abuses.

Approximately 6,000 FELCN members, PTJ members, lawyers, law students, prosecutors, judges, and NGO representatives received training on the new Code of Criminal Procedures over the last 3 years. During the year, policemen and military officers received crowd control training that emphasized respect for human rights and internationally accepted principles of crowd control. FELCN officers also received training over the last 3 years on human rights issues incorporated in general counternarcotics training. Basic FELCN and UMOPAR training includes a human rights module.

Indigenous communities in areas with little or no central government presence imposed punishment that reportedly included the death penalty for members who violated traditional laws or rules, although the Constitution prohibits the death penalty.

In attacks on Government security forces and coca eradication crews, militant cocaleros killed five members of the security forces and injured more than 70 others.

On September 3, near Guadalupe in the Chapare, approximately 70 cocaleros armed with weapons and dynamite confronted a FTC group preparing to eradicate coca plants. Police fired tear gas to disperse the crowd. In the ensuing skirmish, Fructuoso Apaza struck armed policeman Silverio Chinchí Plata with a machete on the head and shoulder, severely wounding him. The policeman was evacuated to a hospital in Santa Cruz. Apaza, who suffered broken ribs during his arrest, was charged with attempted murder; at year's end, he was free on bail while the case remained under investigation.

On October 19, near Alto San Pablo in the Chapare, Army conscript Jose Luis Aramayo suffered leg and abdomen injuries when his pick struck a booby trap while he and his JTF companions were eradicating coca. The JTF commander said that 12 such homemade mines were found and deactivated in the area in previous weeks. Officials suspected cocaleros of planting the devices, but it appeared unlikely that those responsible would be found.

On November 16, during routine eradication activities, four Navy members of the Joint Eradication Task Force were injured when a booby trap exploded at an eradication site near San Pablo, south of Chimore. Injuries to three of the eradicators (Armando Arteaga, 19, Aurleio Sejas Soliz, 18, and Edilberto Gonzales Teran, 22) were

relatively minor, and they were treated at the eradication camp. The fourth, Juan Marcelo Chicoba, 22, was injured more seriously and was evacuated to Santa Cruz where he was treated and later discharged. Following the incident, UMOPAR commander Hernan Capriolo said that 25 booby traps had been deactivated in the area during the preceding 15 days. The Ministry of Government also said that some peasants in the Chapare had received training by individuals opposed to anti-drug efforts, in the handling of firearms and the fabrication of booby-traps.

Prison conditions were harsh. Prisons were overcrowded and in poor condition. With the exception of the maximum-security prison of Chonchocoro in El Alto, government authorities effectively controlled only the outer security perimeter of each prison. Inside prison walls, prisoners usually were in control. Violence between prisoners and, in some cases, the involvement of prison officials in violence against prisoners were problems. Corruption was a problem among low-ranking and poorly paid guards and prison wardens. Detention centers, which are supposed to house the accused prior to the completion of their trials and sentencing (if convicted), also were overcrowded. Convicted criminals often were housed in detention centers on a judge's orders because of overcrowding in the larger prisons.

According to the Director General of the Penal System in the Ministry of Government, as of December, there were 5,535 prisoners in facilities designed to hold 4,700 prisoners. Nearly 90 percent of prisoners (almost 90 percent of them men) were held in prisons in the major cities. The majority of all prisoners were held for narcotics crimes. The Pardon and Extraordinary Freedom Jubilee 2000 Law, as amended, reduced the overcrowding. The law pardoned prisoners under the age of 21 or over the age of 60; reduced felony sentences by one-third for all prisoners sentenced prior to August 2000; and pardoned prisoners who are parents of minor children and have completed at least 50 percent of their sentences. Reductions in felony sentences were not extended to prisoners convicted of murder, parricide, or treason, nor to most prisoners convicted of terrorism, rape, or narcotics trafficking. In addition, prisoners who were convicted of murder, rape, kidnaping, terrorism, or narcotics crimes and sentenced to more than 10 years in jail were not eligible for the benefits given to prisoners under age 21 or over age 60, or to parents of minor children.

A prisoner's wealth can determine cell size, visiting privileges, day-pass eligibility, and place or length of confinement. Cell prices ranged from \$17 to \$4,340 (130 to 32,500 bolivianos), paid to prior occupants or to prisoners who control cell blocks. For example, in the poorest parts of San Pedro prison in La Paz, inmates occupy tiny cells (3 by 4 by 6 feet) with no ventilation, lighting, or beds. Crowding in some "low-rent" sections obliges inmates to sleep sitting up. Although only children up to 6 years old are supposed to live with an incarcerated parent, children as old as age 12 live with their fathers in San Pedro prison. According to the Director General, in December there were 803 children living with a parent in prison. If such children have nowhere else to go, the Government considers it more humane to support them in prison than to leave them homeless. The standard prison diet can cause anemia. The Government budgets only \$0.30 (2 bolivianos) per prisoner per day for food, and prisoners who can afford to supplement the standard prison diet by buying food do so. There was no adequate health care within the prisons, and it was difficult for prisoners to get permission for outside medical treatment. However, affluent prisoners can obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Drugs and alcohol were readily available for those inmates who can pay.

There was no progress, and none appeared likely in the following prison death cases: The March 2001 hanging of Jose Valentin Mujica at the maximum security San Pedro de Chonchocoro prison near La Paz; the June 2001 killing of three prisoners at Palmasola prison in Santa Cruz resulting from violence among inmates; the 2000 hanging of Brazilian prisoner Mustafa Samir and shooting of Peruvians Omar Casis and Renaldo Montesinos at San Pedro de Chonchocoro prison.

There are separate prisons for women; conditions for female inmates were similar to those for men. However, overcrowding at the San Sebastian women's prison in Cochabamba was worse than in most prisons for men.

Convicted juvenile prisoners were not segregated from adult prisoners in jails. Rehabilitation programs for juveniles or other prisoners were scarce to nonexistent. The Government acknowledged these problems but did not budget sufficient resources to correct them.

The Government permits prison visits by independent human rights observers and news media representatives.

#### d. Arbitrary Arrest, Detention, or Exile

There were some instances of arbitrary arrest and detention. Arrests were carried out openly. The new CCP requires an arrest warrant, and the police must inform the prosecutor of the arrest within 8 hours. The prosecutor within 16 hours then must have the detainee released under bail or ask a court to continue to hold the detainee in

jail until trial. A detainee may not be held for more than 24 hours without court approval. However, there were credible reports that these legal safeguards were violated in some cases.

Denial of justice through prolonged detention remained a serious ongoing problem, although this began to change with the full implementation in 2001 of the new CCP that provides that a detainee cannot be held for longer than 18 months awaiting trial and sentencing (see Section 1.e.). If the process is not completed in 18 months, the detainee may request his release by a judge. However, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures keep persons incarcerated for months, or even years, before trial. The Constitution provides for judicial determination of the legality of detention. Prisoners are released if a judge rules detention illegal, but the process can take months. Prisoners may see a lawyer, but approximately 70 percent cannot afford legal counsel, and public defenders were overburdened (see Section 1.e.).

A 2001 report of the U.N. Committee Against Torture estimated that two-thirds of the prison population were waiting for the processing of their cases to be finished.

The Government continued to address the problem of delay of justice by implementing the 1994 constitutional reforms to streamline the judicial system and by taking measures to correct other deficiencies as they come to light. Most prisoners still awaited either trial or sentencing, but under the CCP the courts had begun to provide release on bail for some prisoners. Judges still have the authority to order preventive detention for suspects under arrest deemed to be a flight risk or for obstruction of justice. If a suspect is not detained, a judge may order significant restrictions on a suspect's travel.

Children from 11 to 16 years of age can be detained indefinitely in children's centers for known or suspected offenses, or for their protection, simply on the orders of a social worker. There is no judicial review of such orders.

The 1997 detention case of Waldo Albarracin, President of the APDH, continued to move slowly through the judicial system. The authorities had yet to take any action regarding the four police officials accused of abducting Albarracin; although legal cases against two policemen remained pending at year's end, further action was unlikely.

The Constitution prohibits forced exile of citizens, and the Government did not employ it.

#### e. Denial of Fair Public Trial

The judiciary was generally independent; however, corruption and inefficiency in the judicial system remained major problems. Poor pay and working conditions made judges and prosecutors susceptible to bribes.

The judicial system has three levels of courts: Trial Court, Superior Court, and the Supreme Court or Constitutional Tribunal appellate review. The Supreme Court hears appeals in general, while the Constitutional Tribunal only hears appeals on constitutional issues.

With the full implementation in 2001 of the CCP, the criminal justice system changed from essentially a closed, written system to a system of transparent oral trials. The earlier system made it difficult for poor, illiterate persons to have effective access to courts and legal redress and gave rise to lengthy judicial processes and prolonged pretrial incarcerations (see Section 1.d.). The CCP specifically addresses this problem by requiring that no pretrial detention exceed 18 months. In cases in which a sentence has been issued, but the case is being appealed, the maximum period of detention is 24 months.

The 2001 Public Ministry Law provides that the prosecutor, instead of the judge, is in charge of the investigative stage of a case. The prosecutor instructs the police, from the perspective of a legal practitioner, as to what witness statements and evidence are needed to prosecute the case. Counternarcotics prosecutors lead the investigation of narcotics cases. During its first stage, the prosecutor tries the case before a judge of instruction if it is a misdemeanor case (which carries a possible sentence of less than 4 years), or before sentencing courts that include three citizen judges (jurors) and two professional judges for felony cases (possible sentence of 4 years or more).

The superior court review is restricted to a review of the application of the law. Supreme Court review, the third stage, is restricted to cases involving exceptional circumstances. During the superior court and Supreme Court reviews, the courts may confirm, reduce, increase, or annul sentences, or provide alternatives not contemplated in lower courts.

Defendants have constitutional rights to a presumption of innocence, to remain silent, to have an attorney, to confront witnesses, to present evidence on their own behalf, to due process, and to appeal judicial decisions. In practice almost none of these rights have been protected systematically, although the implementation of the CCP facilitated more efficient investigations, transparent oral trials, and credible verdicts.

The law provides for a defense attorney at public expense if needed; however, one was not always promptly available. There were approximately 167 public defenders, legal assistants, and social workers nationwide. The public defender program also provides information about human rights to citizens and seeks to involve public defenders in arrest cases at the earliest possible juncture to ensure that human rights and due process are honored. Mobile public defenders who travel to the more remote parts of the country had some positive effect; however, public defenders remained overburdened.

The CCP also recognizes the conflict resolution traditions of indigenous communities, but not the imposition of the death penalty (see Section 1.c.).

The Judicial Council oversees the disciplinary aspects of the judicial process and provides an impartial body to review the actions of judges. Its powers include the authority to conduct administrative investigations and to censure for malpractice judges at all levels found culpable of malfeasance; however, the dismissal of a superior court or higher level judge requires a final judgment and sentence of conviction in a criminal case tried before the Supreme Court. The Council may suspend without pay, for up to 13 months, judges against whom a criminal charge has been filed or against whom a disciplinary process has been initiated. At year's end, legislation remained pending to give the Council the power to effect suspension of up to 3 years or specifically to establish the Council's power to dismiss judges found guilty of malpractice by the Council.

The military justice system generally was susceptible to senior-level influence and corruption and avoided rulings that would embarrass the military. When a military member is accused of a crime related to his military service, the commander of the affected unit assigns an officer to conduct an inquiry and prepare a report of the findings. The results of the findings are forwarded to a judicial advisor--usually at the division level--who then recommends a finding of either innocence or guilt. For minor infractions, the advisor may recommend sanctions such as house arrest or loss of time-in-grade (which delays promotions and affects future assignments). For major infractions, the case is forwarded to a military court (the permanent tribunal for cases involving enlisted members and officers below the rank of general/admiral and the supreme tribunal for generals/admirals and appeals of cases from the permanent tribunal). General officers head both tribunals. For the permanent tribunal, a judge advocate of war (usually a civilian lawyer) reviews the findings of the advisor and may change the recommendations of the advisor. The permanent tribunal usually accepts the recommendations of the judge advocate of war. Authorities recognize conflicts over military and civilian jurisdiction in certain cases involving human rights. An inter-ministerial commission, headed by the Ministry of Justice and Human Rights, was charged to prepare legislation to address these conflicts as well as to incorporate various international human rights agreements into domestic law.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the sanctity of the home and the privacy of citizens; however, while the authorities generally respected these provisions, there were credible allegations of security forces involved in thefts of property. Residents in the coca-growing areas generally were reluctant to file and pursue formal complaints.

### Section 2. Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for the right to express ideas and opinions freely by any means of dissemination; however, there were some limitations on freedom of speech. Newspapers were privately owned and frequently adopted antigovernment positions. State-owned and private radio and television stations generally operated freely. In January the Government briefly closed the Chapare's "Radio Soberania," a forum for cocalero leader and then-presidential candidate Evo Morales. Although it lacked proper permits, engaged in tendentious speech, and broadcast instructions to cocaleros on where to gather for rallies and roadblocks, the station continued to operate freely.

The Penal Code provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from 1 month to 2 years. If the insults are directed against the President, Vice



President, or a minister, the sentence may be increased by one-half.

Press associations criticized the Government for the death in September 2001 of a civilian who was accompanying journalists as they approached an eradication camp near Loma Alta in the Chapare (see Section 1.a.). They also called for the Government to provide for protection and freedom of movement in the Chapare, where illegal coca growers often block roads (see Section 2.d.).

The 40-person La Paz Press Tribunal, an independent body, is authorized to evaluate journalists' practices that are alleged to violate either the Constitution or citizens' rights. The Government prohibited the importation of pornographic books, magazines, and artwork, but it did not block Internet sources.

The Government did not restrict academic freedom, and the law grants public universities autonomous status.

#### b. Freedom of Peaceful Assembly and Association

The law provides for the right of peaceful assembly, and the authorities generally respected this right in practice; however, security forces killed five persons and injured others during violent protests during the year (see Sections 1.a. and 1.c.). The Government routinely granted permits for marches and rallies. There were numerous demonstrations throughout the year; in some cases protesters blocked roads, and on several occasions protesters became violent. The authorities generally tried to avoid confronting demonstrators, and frequent marches in downtown La Paz caused chronic traffic congestion and inconvenience for citizens. However, security forces clashed with union and other demonstrators on several occasions during the year. The authorities intervened only when rallies became violent or interfered substantially with normal civic activity. The police regularly used tear gas and other forms of crowd control.

The law provides for freedom of association, and the authorities generally respected this right in practice. The Government requires nongovernmental organizations (NGOs) to register with the appropriate departmental government, and authorities granted such registration routinely and objectively.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism predominates, and the Constitution recognizes it as the official religion. The Roman Catholic Church received support from the State (about 300 priests receive small stipends) and exercised a limited degree of political influence.

Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. The Ministry is not allowed to deny registration based on an organization's articles of faith, but the legal process can be time-consuming and expensive, leading some groups to forgo registration and operate informally without certain tax and customs benefits. Most registered religious groups were identified as Protestant or "evangelical."

In 2000 then-President Banzer signed a Supreme Decree governing the relationships between religious organizations and the Government. The decree, reflecting input from religious groups, was designed to increase transparency and dialog in church-state relations.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. The law permits emigration and provides for the right to return. The Government does not revoke citizenship for political or other reasons.

The law provides for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Government accepted eight refugees during the year. The total number of registered refugees, according to UNHCR, was 351. The issue of the provision of first asylum did not arise during the year.

There were no reports of persons forced to return to a country where they feared persecution.

### Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties ranging from far left to moderate right functioned openly. Implementing regulations for the 1994 constitutional revisions specify that half of the congressional deputies be elected individually and directly, rather than from party lists. On August 6, President Gonzalo Sanchez de Lozada of the centrist Nationalist Revolutionary Movement assumed the presidency (succeeding Jorge Quiroga of the Nationalist Democratic Action Party) after he was elected in a joint session of the Bolivian Congress following the June 30 national election. The MNR won a plurality but not a majority of the popular vote. A coalition of parties supported the MNR in the Joint Session vote, which is required when no candidate wins a majority of the popular vote. Although there were some allegations of vote-counting irregularities in the June elections, most observers, including a mission from the Organization of American States, concluded that the elections were free and fair. The governing coalition controlled both houses of the legislature, holding 17 of 27 seats in the Senate and 71 of 130 seats in the Chamber of Deputies. Coalition members held the top leadership positions in both chambers. Elections for national offices and municipal governments are held every 5 years; the next national election is scheduled for June 2007.

The National Electoral Court (CNE) and its lower departmental courts oversee the electoral process, including voter registration, tabulation, and certification of ballots. Pursuant to a July 2001 mandate from Congress, the CNE selected new departmental electoral court judges and modified the Electoral Code so that head departmental electoral judges are selected by congressional vote.

There are no legal impediments to women or indigenous people voting, holding political office, or rising to political leadership. The law requires that every third candidate on party candidate lists be female. In addition, every other candidate on municipal election ballots, beginning with the second candidate, must be a woman--a requirement that has increased female representation to approximately 30 percent of municipal council positions. However, in 2000 there were reports that in some municipalities party leaders pressured councilwomen to resign in favor of their male substitutes, and women in three separate municipalities allegedly were threatened with death if they did not resign their positions. There were 28 women among the 157 deputies and senators, 3 women among the 50 vice ministers, and 2 women in the 18-member Cabinet. There were no indigenous members of the Cabinet, and the number of indigenous members of the Chamber of Deputies was estimated at 35 percent--a figure difficult to confirm since designation as indigenous is self-declared.

### Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, NGOs and the Ombudsman complained that occasionally government security forces and government ministries refused to cooperate when NGOs or the Ombudsman were conducting investigations.

The Human Rights Ombudsman is a position with a 5-year term established in the Constitution. The Ombudsman is chosen by Congress and is charged with providing oversight for the defense, promotion, and spread of human rights, specifically to defend citizens against abuses by the Government. The Human Rights Ombudsman, Ana Maria Romero de Campero, conducted numerous investigations and in September presented a comprehensive report to Congress that was critical of the Government. The report stated that for the fourth consecutive year the police force was the government organization most often accused of human rights abuses. Indigenous people filed approximately 60 percent of all complaints received by the Ombudsman. The Congressional Human Rights Committee also investigated alleged human rights abuses in the Chapare.

The Chimore Center for Justice and Human Rights (CCJHR) continued to be active in the Chapare region. It reported its findings to the Ministry of Justice and Human Rights, disseminated human rights information, accepted complaints of abuses committed, kept records and referred complaints to the Public Ministry. The CCJHR also houses a medical forensic expert and an investigative staff to review complaints.

### Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, language, political or other opinion, origin, or

economic or social condition; however, there was significant discrimination against women, indigenous people, and the small Afro-Bolivian minority.

### Women

Violence against women was a pervasive problem, but no system existed to record the incidence of cases. The Family Violence Units of the police handle crimes of domestic violence and physical or sexual abuse against women and children. The La Paz unit alone received 1,212 complaints for the period January-July: 519 for physical violence, 178 for psychological violence and 56 for sexual violence. There was only one reported conviction under the Family Violence Law --a case in which a husband was sentenced to 8 years and 2 months for slashing his spouse. On November 25, Vice Minister for the Woman Martha Noya stated that 7 out of 10 women suffered psychological or physical violence in the home 3 to 5 times a year and that 3 of 10 women suffered a higher rate of abuse. The Family Violence Unit estimated that more than 53 percent of the victims do not take any action when exposed to domestic violence.

Rape was also a serious but underreported problem. The Law on Domestic and Family Violence makes the rape of an adult victim a public crime; however, the victim must press charges, and only 3 percent of complaints received by the Public Ministry were for rape. The Law Against Sexual Violation criminalizes statutory rape, with penalties of 10 to 20 years for the rape of a child under the age of 14, 2 to 6 years for statutory rape of a person from 14 to 18 years of age, and 5 to 20 years for forcible rape of a child or an adult. The CCP provides that crimes against adults included in previous laws on sex crimes can be made public crimes; however, the victim must press charges. Sexual crimes against minors automatically are considered public crimes. Public agencies stated that reports of abuse increased markedly as a result of these laws, as citizens became more aware of the problem and of the availability of help.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purposes of prostitution and forced labor (see Section 6.f.).

The CCP (see Section 1.e.) considers sexual harassment a civil crime. There were no statistics on the incidence of sexual harassment, but the problem generally was acknowledged to exist widely in the male-oriented society.

Legal services offices devoted to family and women's rights operated throughout the country. The Maternal and Infant Health Insurance Program provided health services, focused on maternal and infant health, to women of reproductive age and to children under the age of 5.

Women generally do not enjoy a social status equal to that of men. Many women do not know their legal rights. Traditional prejudices and social conditions remained obstacles to advancement. In rural areas, for instance, traditional practices restricting land inheritance for women remained a problem. The Labor Code restricts the proportion of female staff in business to 45 percent of the workforce unless large groups of women are required in a particular enterprise; however, this restriction was not enforced actively. The minimum wage law treats men and women equally; however, women generally earned less than men did for equal work. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and micro-business, whereas in rural areas the vast majority of economically active women worked in agriculture. Young girls often left school early to work at home or in the economy. A 2000 UNDP study found that the literacy rate for women over the age of 15 was 79 percent compared with 92 percent for men. Although not effectively enforced, the national labor law limits women to a workday 1 hour shorter than that of men and prohibits them from working at night (see Section 6.e.).

### Children

The Government is aware of the need to provide legal and institutional infrastructure for the protection of children. There are seven Defender of Children and Adolescents offices to protect children's rights and interests. However, the Government did not give the situation of children sufficient political priority to improve conditions quickly and effectively.

Although the law requires all children to complete at least 5 years of primary school, this requirement was enforced poorly, particularly in rural areas. The Ministry of Education and the World Bank estimated in 1997 that 26 percent of children graduated from high school. Girls had lower rates of school participation and higher dropout rates than boys.

The National Institute of Statistics calculated in 1998 that approximately 24 percent of children less than 3 years

old were chronically undernourished. A 1999 UNICEF report on infant mortality indicated that 85 of every 1,000 children died before the age of 5. Many children, particularly from rural areas, lack birth certificates and the identity documents they need to secure social benefits and protection. The Government developed but had not funded a plan to provide these documents free of charge.

Physical and psychological abuse in the home was a serious problem. Corporal punishment and verbal abuse were common in schools.

Child prostitution was a problem, particularly in urban areas and in the Chapare region. At least two NGOs, Fundacion La Paz and Q'Haruru, had active programs to combat child prostitution. The Government's plan to combat child labor included a campaign against child prostitution (see Section 6.d.).

There were reports of children trafficked for forced labor to neighboring countries (see Section 6.f.).

The Code for Boys, Girls, and Adolescents establishes the rights of children and adolescents; it also regulates adoptions and tightens protection against exploitative child labor and violence against children. However, resource constraints continued to impede full implementation of this law.

Children from 11 to 16 years of age may be detained indefinitely in children's centers for known or suspected offenses, or for their own protection, simply on the orders of a social worker (see Section 1.d.).

Child labor was a serious problem (see Section 6.d.). In September the Government received \$1.5 million (11.2 million bolivianos) for a project to combat child labor in the Department of Potosi.

#### Persons with Disabilities

The Law on Disabilities requires wheelchair access to all public and private buildings, duty free import of orthopedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille. A National Committee for Incapacitated Persons was mandated to oversee the law's enforcement, conduct studies, and to channel and supervise programs and donations for persons with disabilities; however, there was little information on its effectiveness. The electoral law requires accommodation for blind voters; however, in general there were no special services or infrastructure to accommodate persons with disabilities. A lack of adequate resources impeded full implementation of the law. Societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society.

#### Indigenous People

In the 2001 census, approximately 62 percent of the population over 15 years of age identified themselves as indigenous, primarily from the Quechua or Aymara groups. The Agrarian Reform Law provides for indigenous communities to have legal title to their communal lands and for individual farmers to have title to the land they work. The Government and indigenous leaders jointly developed provisions of this law. However, the issue of land, specifically the Agrarian Reform Law, was a continuing source of complaints and protests by indigenous people. Indigenous people complained that their territories were not defined legally or protected, and that outsiders exploited their resources.

Indigenous groups have taken advantage of the Popular Participation Law to form municipalities that offer them greater opportunities for self-determination. The CCP recognizes the conflict resolution traditions of indigenous communities (see Section 1.e.).

#### National/Racial/Ethnic Minorities

There is societal discrimination against the small Afro-Bolivian minority. Afro-Bolivians generally remained at the low end of the socioeconomic scale, and faced severe disadvantages in health, life expectancy, education, income, literacy, and employment. The majority of the estimated 25,000 Afro-Bolivians live in the Yungas region of the department of La Paz.

### Section 6. Worker Rights

#### a. The Right of Association

The Constitution and the Labor Code provide that workers have the right to form trade unions; however, inefficient labor courts and inadequate government regulation at times limited the exercise of this right by workers. Workers may form a union in any private company of 20 or more employees; however, an estimated 70 percent of workers were employed in micro or small enterprises with fewer than 20 employees. Moreover, labor leaders said that a section of the 1985 Economic Liberalization Decree, which eliminated the Government's role in authorizing worker dismissals had been exploited by the private sector to fire workers for organizing or to avoid paying severance benefits, although both actions remain illegal. Public sector workers also have the right to form a union. The Labor Code requires prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the Government to dissolve unions by administrative fiat. Following the 1997 visit of an International Labor Organization (ILO) direct contacts mission, the Government agreed to amend its labor laws with respect to the powers of authorities to dissolve trade unions by administrative order and its power to supervise union affairs; however, it has not done so. The Government was not known to abuse this authority for political or other reasons and generally did not penalize workers for union activities.

Because of the legal costs and time required to register new nongovernmental entities, almost all unions are affiliates of the Bolivian Labor Federation (COB). Less than one-half of the workers in the formal economy belong to unions, and employment in the formal economy itself has fallen markedly in recent decades to approximately 30 percent of those employed. Several large groups of informal workers, including up to 50,000 "cooperative" miners, thousands of street vendors, and hundreds of thousands of poor indigenous farmers (campesinos) were loosely affiliated with the COB.

In many respects, the country's labor laws and regulations are favorable to workers; however, many of the standards were ignored in practice.

Unions were not free from influence by political parties, but many in organized labor increasingly rejected traditional political parties and supported movements seeking fundamental change in the economic and political system. Most parties have labor committees that attempted to influence union activity and also had party activists inside the unions.

The law prohibits discrimination against union members and organizers. However, labor laws intended to protect workers' rights to freedom of association and to form and join trade unions are inadequate and fail to deter employers from retaliating against workers, nor does the law protect workers against acts of interference by employers. The Government agreed to amend these laws following an ILO direct contacts mission in 1997; however, the Government has failed to do so. Complaints of antiunion discrimination go to the National Labor Court, which can take a year or more to rule due to a significant backlog of cases. The court ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders said that problems were often moot by the time the court ruled.

The law allows unions to join international labor organizations. The COB worked with mainstream international labor organizations.

#### b. The Right to Organize and Bargain Collectively

The Constitution and the Labor Code provide workers with the right to organize and bargain collectively. Collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the Government, was limited. Most collective bargaining agreements are restricted to wages and exclude other conditions. The Labor Code requires unions to revert to government mediation before beginning a strike and employers to do likewise before initiating a lockout. The practice of direct employee-management negotiations in individual enterprises expanded, as the private sector's economic role expanded.

There was limited major strike activity during the year, in part because attention was focused on national elections.

The Labor Code bans strikes in public services, including banks and public markets; however, workers in the public sector frequently did strike, with strikes by teachers and health care workers the most common. Public sector employees have not been penalized for strike activities in recent years. Solidarity strikes are illegal, but the Government neither prosecuted nor imposed penalties in such cases.

Labor law and practice in the seven special duty-free zones are the same as in the rest of the country.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers continued, as did some alleged individual cases of household workers effectively held captive by their employers (see Sections 5 and 6.d.). The ILO Committee of Experts reported that the abuses and lack of payment of wages constitute forced labor in the agriculture sector.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits all work for payment by children under the age of 14; however, in practice the Ministry of Labor generally did not enforce child labor laws, including those pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace. Child labor was a serious problem. The law prohibits a range of dangerous, immoral, and unhealthy work for minors under the age of 18. Labor law permits apprenticeship for those 12 to 14 years old under various formal but poorly enforced restrictions, which have been criticized by the ILO and were considered by some to be tantamount to bondage (see Section 6.c.).

Approximately one in every four children between the ages of 7 and 14 was employed in some way. A 1999 ILO study estimated that approximately 70,000 children between the ages of 7 and 14 were working in cities and that approximately 300,000 children in the same age group were working in rural areas--usually to help provide for family subsistence--in uncontrolled and sometimes unhealthy conditions. The extreme poverty of many families dictated the involuntary employment of their children to survive.

In April 2001, the Inter-Institutional Commission for the Progressive Elimination of Child Labor released a 10-year "Plan for the Progressive Elimination of Child Labor" to address financial, health, education, and other needs of children and to provide incentives for poor families to keep children in school, improve governmental enforcement of labor laws, and prevent the worst forms of child labor. However, the plan had little funding. The new administration endorsed the plan, and at year's end was completing plans to eliminate child labor in its worst forms, including in mining, sugar cane harvesting, and prostitution.

In December the country completed ratification of ILO Convention 182 on the worst forms of child labor.

The Labor Ministry is responsible for enforcing child labor provisions but did not enforce them throughout the country. Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in subsistence agriculture. Children generally were not employed in factories or formal businesses but, when employed, often worked the same hours as adults. Children also worked in mines and other dangerous occupations in the informal sector. Child prostitution was a growing problem (see Section 5).

The NGO Defense of Children International criticized traffickers for using children under the age of 14 to transport drugs.

The traditional practice of "criadito" service persisted in some parts of the country. Criaditos are indigenous children of both sexes, usually 10 to 12 years old, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. Such work is illegal, and there are no controls over the benefits to, or treatment of, such children, who may become virtual slaves for the years of their indenture.

#### e. Acceptable Conditions of Work

The Government establishes the minimum wage for the public and private sectors by supreme decree following traditional negotiation with the COB, and the wage increased in January by almost 9 percent to approximately \$57 (430 bolivianos) per month, plus bonuses and fringe benefits. The minimum wage did not provide a decent standard of living for a worker and family, and most formal sector workers earned more, although many informal sector workers earned less. Although the minimum wage fell below prevailing wages in most jobs, certain benefit calculations were pegged to it. The minimum wage did not cover members of the informal sector, who constituted the majority of the urban work force, nor did it cover farmers, who accounted for 30 percent of the working population.

Although not effectively enforced, the law establishes an 8-hour workday and a maximum workweek of 48 hours, limits women to a workday 1 hour shorter than that of men, and prohibits women from working at night (see Section 5). The Labor Ministry's Bureau of Occupational Safety has responsibility for protection of workers' health

and safety, but relevant standards were enforced poorly. Many workers died due to unsafe conditions. With support from an international donor, the Government reestablished a national tripartite committee charged with monitoring and improving occupational safety and health standards. The Labor Ministry maintained a hot line for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in the mining sector were particularly poor. Although the State Mining Corporation has an office responsible for safety, many mines, often old and using antiquated equipment, were dangerous and unhealthy. In some mines operated as cooperatives, miners earned less than \$3 (22 bolivianos) per 12-hour day. Miners in such cooperatives worked without respirators in mines where toxic gases and cancer-causing dusts abound; bought their own supplies, including dynamite; had no scheduled rest periods; and many worked underground for up to 24 hours continuously. There are no special provisions in the law defining when workers may remove themselves from dangerous situations. Unless the work contract covers this area, any worker who refuses to work based on the individual's judgment of excessively dangerous conditions may face dismissal.

#### f. Trafficking in Persons

The law prohibits trafficking in persons for the purpose of prostitution. There are no other laws that specifically address trafficking in persons, although many aspects of the problem are covered in other laws and in the Constitution. Trafficking in women and children was a problem.

There were reports of domestic trafficking in women for the purpose of prostitution. NGOs expressed continued concern that women were trafficked for prostitution.

There were credible reports that the country was a source of persons trafficked for forced labor in neighboring countries, especially Argentina, and to a lesser extent Chile and Brazil, although there were no reliable estimates available as to the extent of the problem. A small percentage of economic migrants received fraudulent information about prospective jobs in neighboring countries, which turned out to be forced labor under harsh conditions. Some of the fraud leading to involuntary servitude originated within the country.

Women and adolescents, especially from indigenous ethnic groups in the altiplano (high plains) region, were more at risk of being trafficked. Victims generally were trafficked to Argentina to work in agriculture, factories, trades, and as domestic employees; to Chile to work as domestic employees; and to Brazil to work in factories and as domestic employees.

The Government, including top immigration officials, did not facilitate, condone, or otherwise act complicitly in trafficking; however, individual low-ranking employees of various government agencies took bribes to allow various types of smuggling, including contraband and persons.

The Immigration Service is primarily responsible for combating trafficking, with the assistance of the National Police when active law enforcement investigations are necessary. The Immigration Service has responsibility for all ports of entry/exit and border crossings. There is an interagency Minor's Committee to combat trafficking in adolescents for forced labor to neighboring countries. However, the Government did not commit the resources necessary to address this problem.

The 1999 Law for the Protection of the Victims of Crimes Against Sexual Freedom specifically outlaws trafficking in persons for the purpose of prostitution and provides for sentences of up to 12 year's imprisonment. Heavier sentences are imposed if the victim is a minor. There are also laws prohibiting the falsification of government documents, such as passports, visas, and civil registry documents. In addition, the Penal Code prohibits slavery or an "analogous state," and it is punishable with 2 to 8 years of imprisonment. The Government also cooperated with other governments to investigate and prosecute trafficking cases. There were no known prosecutions during the year. Several NGOs worked with vulnerable groups, providing assistance, incentives to education, and information about legal rights.